

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 09/987,639
Atty Docket No.: Q67304

REMARKS

Claims 1 to 24 are all the claims pending in the application, prior to the present amendment.

Applicants have added a new claim 25, which contains the recitation of claims 1 to 4, and new claim 26 which contains the recitations of claims 13 to 16.

Claims 1, 2, 4, 8-13, 15, 16 and 20-24 have been rejected under 35 U.S.C. § 102(b) as anticipated by Baldo et al in *Applied Physics Letters*, Vol. 75, No. 1, pp. 4-6 (July 5, 1999) or U.S. Patent 6,097,147 to Baldo et al.

The present claims recite the presence of an electron-transporting material. Baldo et al disclose the use of a BCP layer, but do not disclose that the BCP in the Baldo et al structures acts as an electron-transporting material.

Accordingly, applicants submit that Baldo et al do not anticipate the above claims and, therefore, request withdrawal of this rejection.

Claims 2 and 14 have been rejected under 35 U.S.C. § 102(b) as anticipated by Baldo et al in *Applied Physics Letters* or the U.S. Patent to Baldo et al, and further in view of Lamansky et al.

Claims 2 and 14 depend from claims 1 and 13, respectively.

As discussed above, applicants submit that Baldo et al do not anticipate claims 1 and 13. Accordingly, Baldo et al do not anticipate claims 2 and 14 and, therefore, request withdrawal of this rejection.

AMENDMENT UNDER 37 C.F.R. § 1.111

Application No.: 09/987,639

Atty Docket No.: Q67304

Claims 1-24 have been rejected under 35 U.S.C. § 102(e) as anticipated by Okada et al.

The Okada et al patent is a patent owned by Fuji Photo Film Co. Ltd., and was co-pending with the present application which is also owned by Fuji Photo Film Co. Ltd.

Applicants submit herewith the following statement to establish common ownership of the present invention and the subject matter disclosed in the prior Fuji Okada et al patent, at the time the present invention was made, in order to disqualify the prior Fuji patent as prior art.

The above identified Application No. 09/987,639 and U.S. Patent 6,461,747 to Okada et al were, at the time the invention of Application No. 09/987,639 was made, commonly owned by Fuji Photo Film Co. Ltd.

In view of the above, applicants request withdrawal of this rejection

Claims 1-24 have been rejected under 35 U.S.C. § 102(e) as anticipated by Igarashi et al or Ise et al.

The publications to Ise et al and Igarashi et al each have an effective date as a reference of July 17, 2001, which is after applicants' priority date of November 16, 2000. Accordingly, applicants enclose herewith a verified translation of applicants' Japanese priority application, which shows that the Japanese priority application supports all of the limitations of the present claims.

In view of the above, please let us have your comments and instructions for responding to this rejection.

Claims 1-24 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 10-22 of copending Application No. 09/905,946. This copending Application is the Ise et al publication.

AMENDMENT UNDER 37 C.F.R. § 1.111

Application No.: 09/987,639

Atty Docket No.: Q67304

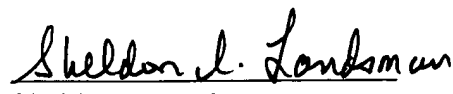
In response, applicants enclose a Submission of Terminal Disclaimer with a signed Terminal Disclaimer and the required fee. In view of this Submission, applicants submit that this rejection has been overcome and accordingly request its withdrawal. sign the Terminal Disclaimer.

The Examiner sets forth a number of spelling and grammatical corrections which are needed in the claims. Applicants have amended the claims in the manner proposed by the Examiner.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Sheldon I. Landsman
Registration No. 25,430

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 2, 2004